

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**Criminal No. 99-1261 M**

**MARGARITO MARTINEZ,**

**Defendant.**

**MAGISTRATE JUDGE'S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION**

Proposed Findings

This matter comes before the Court upon the United States' Motion for an Order to Show Cause and Forfeiture of Appearance Bond, filed March 1, 2000. Having held a hearing on this matter on March 27, 2000, I hereby make the following findings:

1. On December 27, 1999, the Defendant and Tony Madrid, surety, executed an appearance bond in the amount of \$15,000.00.
2. The conditions of release, *inter alia*, that Defendant report to Pretrial Services as directed. On February 17, 2000, Mr. Martin M. Martinez, a United States Pretrial Services officer, filed a violation report and Petition for Action of Conditions of Pretrial Release, alleging that Defendant violated his conditions of release by failing to report to Pretrial Services for the month of January, 2000.
3. The Court noticed Defendant and Tony Madrid, surety, that the Court set a bond forfeiture hearing for March 27, 2000.
4. The Defendant was not present at the March 27, 2000, bond forfeiture hearing.

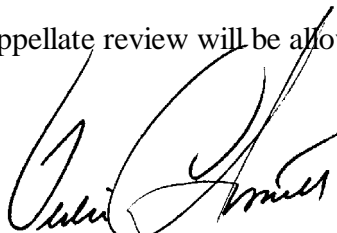
5. Mr. Rene Ramos appeared on behalf of Tony Madrid, surety, at the March 27, 2000, bond forfeiture hearing.

6. Mr. Rene Ramos, appearing on behalf of Tony Madrid, surety, offered no valid defense to the forfeiture of the bond.

#### Recommended Disposition

Pursuant to Federal Rule of Criminal Procedure 46(e), I recommend a declaration of bond forfeiture against Defendant and Tony Madrid, surety. I further recommend that judgment be entered against the Defendant and Tony Madrid, surety, in the principal amount of \$15,000.00, together with United States District Clerk Docketing fees in the amount of \$150.00 as provided by 28 U.S.C. §§2412(a)(2) and 1914(a), interest at the legal rate compounded annually and computed daily until paid, attorney's fees in the amount of \$1,500.00, and costs as allowed by law.

Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within twenty days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to §636(b)(1)(C), file written objections to such proposed findings and recommendations. A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.



---

**LESLIE C. SMITH**  
**UNITED STATES MAGISTRATE JUDGE**